

**COMMITTEE ON JUSTICE AND PUBLIC SAFETY**  
(Standing Committee of Berkeley County Council)

**Chairman:** Mrs. Judy C. Mims, District No. 6

A **special meeting** of the COMMITTEE ON JUSTICE AND PUBLIC SAFETY, Standing Committee of Berkeley County Council, met on Monday, August 18, 2003, in the Assembly Room of the Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 6:05 p.m.

PRESENT: Mrs. Judy C. Mims, Council Member District No. 6, Chairman; Mr. Milton Farley, Council Member District No. 1; Mrs. Judith K. Spooner, Council Member District No. 2; Mr. William E. Crosby, Council Member District No. 3; Mr. Charles E. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Mr. Steve C. Davis, Councilmember District No. 8; Mr. James H. Rozier, Jr., Supervisor, ex officio; Mr. D. Mark Stokes, County Attorney and Ms. Barbara B. Austin, Clerk of County Council.

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at the entrance of the County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina and the Berkeley County Library, and mailed to the newspaper, radio stations, television stations and concerned citizens.

Chairman Mims called the meeting to order. Councilmember Spooner gave the invocation and Councilmember Pinckney led in the Pledge of Allegiance to the Flag of the United States of America.

**A. Consideration** of a **Resolution** authorizing the County Supervisor to negotiate and execute a contract with the various Rural Fire Departments for fire protection services throughout the County.

It was moved by Councilmember Pinckney and seconded by Councilmember Fish to send the Resolution forward as presented. The motion passed by unanimous voice vote of the Committee.

It was moved by Councilmember Crosby and seconded by Councilmember Fish to adjourn the meeting on Justice and Public Safety. The motion passed by unanimous voice vote of the Committee.

The meeting was adjourned at 6:06 p.m.

September 15, 2003  
Date Approved

**COMMITTEE ON PLANNING & DEVELOPMENT**  
(Standing Committee of Berkeley County Council)

**Chairman:** Mr. Charles E. Davis, District No. 4

The **COMMITTEE ON PLANNING & DEVELOPMENT** met on Monday, August 18, 2003, Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 6:06 p. m.

PRESENT: Chairman, Mr. Charles E. Davis, Council Member District No. 4; Mr. Milton Farley, Council Member District No. 1; Mrs. Judith K. Spooner, Council Member District No. 2; Mr. William E. Crosby, Council Member District No. 3; Mr. Dennis L. Fish, Council Member District No. 5; Mrs. Judy C. Mims, Council Member District No. 6; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Mr. Steve C. Davis, Councilmember District No. 8; Mr. James H. Rozier, Jr., Supervisor, Jr., ex officio; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council.

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Chairman Charles Davis called the meeting to order.

**APPROVAL OF MINUTES:**

Chairman Charles Davis asked for the approval of minutes from the Committee on Planning and Development meeting held on June 9, 2003.

It was moved by Councilmember Fish and seconded by Councilmember Pinckney to approve the minutes as presented. The motion was passed by unanimous voice vote of the Committee.

**A. Consideration** of a **Resolution** to authorize the County Supervisor to renew the Contract for Veterinary Services at Cypress Gardens.

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to send the Resolution forward as presented.

Councilmember Fish asked if this was for a particular Veterinarian?

Mr. Rozier indicated that it was for Dr. Samuel Seashole. He is the only Vet in the Tri-County area that specializes in Reptiles and the types of animals at Cypress Gardens. Many of the animals at the Gardens are his animals.

The motion passed by unanimous voice vote of the Committee.

It was moved by Councilmember Crosby and seconded by Councilmember Mims to adjourn the Committee on Planning and Development. The motion passed by unanimous voice vote of the Committee.

The meeting was adjourned at 6:09 p.m.

September 15, 2003

Date Approved

**COMMITTEE ON LAND USE**  
(Standing Committee of Berkeley County Council)

**Chairman:** Mr. Milton Farley, District No. 1

The COMMITTEE ON LAND USE met on Monday, August 18, 2003, Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 6:10 p. m.

PRESENT: Chairman, Mr. Milton Farley, Council Member District No. 1; Mrs. Judith K. Spooner, Council Member District No. 2; Mr. William E. Crosby, Council Member District No. 3; Mr. Charles E. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mrs. Judy C. Mims, Council Member District No. 6; Mr. Caldwell Pinckney Jr., Council Member District No. 7; Mr. Steve C. Davis, Councilmember District No. 8; Mr. James H. Rozier, Jr., Supervisor, ex officio; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council.

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at the entrance of the County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina and the Berkeley County Library, and mailed to the newspaper, radio stations, television stations and concerned citizens.

Chairman Farley called the meeting to order.

**APPROVAL OF MINUTES:**

Chairman Farley asked for the approval of minutes for the Committee on Land Use meeting held on July 21, 2003.

It was moved by Councilmember Pinckney and seconded by Councilmember Mims to approve the minutes as presented. The motion passed by unanimous voice vote of the Committee.

**A. Ms. Cindy Forte, Berkeley County ROD,** Re: Additional funds for department.

Ms. Forte addressed the Committee stating in 2000 she purchased a prepaid copying control system. This is attached to every copier and every public access PC. This has worked very well; since 2000, the annual revenue for copies alone has increased by \$50,000. Ms. Forte summarized the following: 1) the existing software will not run on the County's new PC's; 2) the outside vender (Hightech Co.) will no longer support or maintain equipment that is run on the old software; 3) there are two (2) additional public access PC's, for which she would like to purchase control boxes. Therefore, the request is for: 1) purchase additional copy controllers with software; 2) purchase software upgrade for the existing system; 3) add maintenance and support for the existing

controllers. The maintenance for the existing controllers was approved in the 2003-2004 budget in the amount of \$720. The total amount being requested is \$4236.78. Broken down as follows: \$1990.90 for software, line item 5405; \$1693.88 in equipment, line item 5510; \$552 maintenance, line item 5301.

It was moved by Councilmember Crosby and seconded by Councilmember Charles Davis to send the request for additional funds for the **ROD department to Finance; in the amount of \$4236.78 to come from Contingency.** The motion passed by unanimous voice vote of the Committee.

**B. Consideration prior to First Reading of the following:**

**1. Request by Steve Davis, Thomas Island. Wando, (112 lots), from R-1MM, Multi-Section Manufactured Residential District, to R-2, Mobile Home Residential District. Council District 8.**

Mr. Harold LeaMond, County LeaMond stated the properties were off Thomas Island Drive, which goes over onto Daniel Island. An application was submitted to rezone the 112 lots to R-2 to allow single wide homes. R1-MM allows one (1) unit per acre; whereas, R-2 allows 4 units per acre. R1-MM only allows double and triple wide manufactured homes.

Mr. Rozier explained that he met with some of the residents of the area and there may be some opportunity for compromise that may help serve both needs. In order for this to happen it would have to be held in Committee for one (1) month.

Councilmember Spooner asked if that would be in the form of buffering?

Mr. Rozier stated there is a possibility that some of the properties could be changed without changing others. He cautioned the Committee about rezoning such a large area at one time.

Councilmember Spooner asked who applied for the rezoning?

Mr. LeaMond explained that two (2) people can apply: the property owner of record and the Councilmember from that district. There is no application fee charged to the Councilmember.

Councilmember Spooner asked what the actual cost to the County was for an application?

Mr. LeaMond said the application fee is \$150. The cost to the County is approximately \$600.

Councilmember Spooner stated she thought it was too much of a tax break to give and thinks the fee should be increased so that it is more in line with the County's cost.

Councilmember Fish asked why the Planning Commission denied the request?

Mr. LeaMond stated he would not recommend anything to contravene the intent of Council and the way it was zoned in 1994. There was a petition that was signed to support the change (61 signatures), but when compared to the number of houses represented, there were only 23-24. Therefore, the Planning Commission did not feel there was overwhelming support for this. It is in conformance with the Comprehensive plan and is in the residential growth plan.

Councilmember Steve Davis asked how long the procedure to allow a County Councilmember to apply for rezoning had been in place?

Mr. LeaMond indicated it was a part of the 1997 Enabling Act and he believed it was in effect before then.

Councilmember Steve Davis stated that he had written a letter indicating that he had no personal interest in this other than to take care of the stakeholders. He believes overwhelmingly that the citizens of the area want the rezoning.

Councilmember Spooner apologized to Councilmember Steve Davis stating she came on strong. In the past there was a lot of the applications being placed by Councilmembers so that people could avoid the fee. It was her understanding that Councilmembers could place the application if there was a conflict that needed to be resolved. "You were not here and I spoke a little hasty."

Councilmember Pinckney asked how many residences desired to have a singlewide home in the area?

Mr. Fred Lincoln, representing the CDC in the Wando/Huger area explained there has been a petition taking in the immediate area and only one (1) household refused to sign. They only dealt with property owners who lived in the area. He feels that 90% of the residence would support the change.

Councilmember Crosby asked if he thought the individuals desiring the change would be willing to pay the \$150 application fee?

Mr. Lincoln stated that he could not speak for the individuals in that regard.

Councilmember Spooner asked that the item be held in Committee until the compromise could be worked out and discussed.

*The item was held in Committee until the September meeting.*

**2. Request by Jennifer & Chuck Stewart, 601 Myers Road, Summerville, TMS# 222-11-00-027, (1.94 acres), from GC, General Commercial District, to R-1MM, Multi-Section Manufactured Residential District. Council District 4.**

It was moved by Councilmember Charles Davis and seconded by Councilmember Fish to send the request forward for First Reading. The motion was passed by unanimous voice vote of the Committee.

**3. Request by Arnold Singletary for Cohen Gaskins, 726 S. Live Oak Drive, Moncks Corner, TMS# 142-14-00-006, (1 lot), from R-2, Mobile Home Residential District, to GC, General Commercial District.** Council District 8.

Mr. LeaMond stated the property next door and across the road are zoned General Commercial. The applicant wants to use the property as an appraisal office.

It was moved by Councilmember Mims and seconded by Councilmember Fish to send the request forward for First Reading. The motion passed by unanimous voice vote of the Committee.

**4. Request by June Valimont for Emily Chaffin, 308 Pye Lane, Summerville, TMS# 209-06-00-017, (8.52 acres), from R-2 Mobile Home Residential District, to R2-RF, Mobile Home Rural Farm Residential District.** Council District 6.

Mr. LeaMond indicated the property was off of Hwy. 176 and Alexander Circle. The applicant would like to place horses on the property and it is adjacent to other properties that have been rezoned to R2-RF, which allows farm animals.

It was moved by Councilmember Mims and seconded by Councilmember Pinckney to send the request forward for First Reading. The motion passed by unanimous voice vote of the Committee.

**5. Request by Arthur & Cleveland Seel, Liberty Hall Road, Goose Creek, TMS# 244-05-01-006, (1.15 acres), from R-2, Mobile Home Residential District, to CG, General Commercial District.** Council District 3.

Mr. LeaMond indicated the property is on Liberty Hall Road. All the lots from the property to Lumber Lane and across the road are already zoned Commercial.

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to send the request forward for First Reading. The motion passed by unanimous voice vote of the Committee.

**6. Request by Fred St. Laurent, Jr. for Lottie Altman, 2833 N. Main St., Summerville, TMS# 222-00-00-002, (1 lot), from PDMU, Planned District Mixed Use, to GC, General Commercial District.** Council District 4.

Mr. LeaMond pointed out Hwy. 17-A and Hwy. 176, the property is the second lot from the intersection on the South East side of the intersection. A car wash will replace the house currently on the property.

It was moved by Councilmember Mims and seconded by Councilmember Charles Davis to send the request forward for First Reading. The motion passed by unanimous voice vote of the Committee.

7. **Request by Richard Hartley**, 2155 S. Live Oak Dr., Moncks Corner, TMS# 180-14-02-018, (1 lot), **from R-2, Mobile Home Residential District, to GC, General Commercial District.** Council District 6.

Mr. LeaMond stated the surrounding properties were all General Commercial.

It was moved by Councilmember Mims and seconded by Councilmember Fish to send the request forward for First Reading. The motion passed by unanimous voice vote of the Committee.

8. **Request by David Blanchard for Jeff Stahl** (Jessco Homes), Royle Road and Sangaree Blvd., Summerville, TMS# 233-00-00-034, (5.9 acres), **from R-1, Single Family Residential District, to R-4, Multifamily Residential District.** Council District 4.

Mr. LeaMond indicated the property was at the intersection of Royal Road and Sangaree Parkway. The request is to turn it into a condominium project. The Staff's and the Planning Commission's recommendation was to approve. It was a split vote; there was concern about the traffic at the intersection.

It was moved by Councilmember Spooner and seconded by Councilmember Fish to send the request forward for First Reading.

Councilmember Charles Davis asked how the property was going to be accessed?

Mr. LeaMond explained that the access was going to be off Sangaree Parkway. The County would need to approve that access.

**Role Call Vote:**

Councilmember Farley	Chairman
Councilmember Spooner	"Nay"
Councilmember Crosby	"Nay"
Councilmember Charles Davis	"Nay"
Councilmember Fish	"Abstain"
Councilmember Mims	"Nay"
Councilmember Pinckney	"Abstain"
Councilmember Steve Davis	"Abstain"

The motion was denied.

**C. Review prior to Second Reading of the following:**

1. **Bill No. 03-44**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Dean Hensley**, Day Road, Summerville, TMS # 232-00-02-136, (2.41 acres portion, 13.924 acres total),



**from LI, Light Industrial, to GC, General Commercial District.** Council District No. 4.

It was moved by Councilmember Charles Davis and seconded by Councilmember Fish to send **Bill No. 03-44 forward for Second Reading.** The motion passed by unanimous voice vote of the Committee.

2. **Bill No. 03-45**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Frederick Marion**, Mitten Lane, Moncks Corner, TMS #142-04-02-032, (.13 acre portion, .64 acre total), **from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District.** Council District No. 8.

It was moved by Councilmember Steve Davis and seconded by Councilmember Mims to send **Bill No. 03-45 forward for Second Reading.** The motion passed by unanimous voice vote of the Committee.

**D. Review prior to Third Reading of the following:**

1. **Bill No. 03-33**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Douglas Weatherton**, 3027 Old Highway 52, Moncks Corner, TMS #211-00-02-018, (1 acre portion, 3 acres total), **from HI, Heavy Industrial District, to R-2 Mobile Home Residential District.** Council District No. 3.

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to send **Bill No. 03-33 forward for Third Reading.** The motion was passed by unanimous voice vote of the Committee.

2. **Bill No. 03-34**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Harold Tyner Development Corp**, Sangaree Parkway, Summerville, TMS #232-00-02-137, (1.65 acres), **from R-1, Single Family Residential District, to R-4, Multi Family District.** Council District No. 4.

It was moved by Councilmember Charles Davis and seconded by Councilmember Mims to send **Bill No. 03-34 forward for Third Reading.**

Councilmember Fish stated he was somewhat confused as to why some properties on Sangaree Parkway and Royal Road are denied and some are not.

Councilmember Charles Davis explained this property is on the other end of the Parkway. It is not near the two (2) schools that are on Royal Road. The school traffic and children walking to school causes extra congestion in that area.

The motion passed by unanimous voice vote of the Committee.

3. **Bill No. 03-35**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Dean Hensley**, Day Road, Summerville, TMS #232-00-02-136, (11.517 acre portion, 13.924 acres total) **from LI, Light Industrial District, to GC, General Commercial District**. Council District No. 4.

It was moved by Councilmember Charles Davis and seconded by Councilmember Fish to send **Bill No. 03-35 forward for Third Reading**. The motion passed by unanimous voice vote of the Committee.

4. **Bill No. 03-36**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Derrick Daniels**, 902 Whitesville Road, Moncks Corner, TMS #141-12-00-008, (1.58 acres), **from GC, General Commercial District, to F-1, Agricultural District**. Council District No. 6.

It was moved by Councilmember Mims and seconded by Councilmember Steve Davis to send **Bill No. 03-36 forward for Third Reading**. The motion passed by unanimous voice vote of the Committee.

5. **Bill No. 03-37**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Thelma Polite**, 1425 Leisure Drive, Summerville, TMS #194-00-02-052, (.16 acre portion, 1 acre total), **from F-1, Agriculture District, to RNC, Rural and Neighbor Commercial District**. Council District 7.

It was moved by Councilmember Pinckney and seconded by Councilmember Steve Davis to send **Bill No. 03-37 forward for Third Reading**. The motion passed by unanimous voice vote of the Committee.

6. **Bill No. 03-38**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **David Turner, Jr.**, 2769 Harristown Road, St. Stephen, TMS #036-00-04-007, (.11 acre portion, 2.52 acres total), **from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District**. Council District No. 8.

It was moved by Councilmember Steve Davis and seconded by Councilmember Pinckney to send **Bill No. 03-38 forward for Third Reading**. The motion passed by unanimous voice vote of the Committee.

7. **Bill No. 03-39**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Nancelle Casselman**, 7761 Highway 41, Jamestown, TMS # 075-00-00-048, (1.5 acre portion, 3.18 acres total), **from F-1, Agricultural District, to GC, General Commercial District**. Council District No. 8.

It was moved by Councilmember Steve Davis and seconded by Councilmember Pinckney to send **Bill No. 03-39 forward for Third Reading**. The motion passed by unanimous voice vote of the Committee.

**HELD IN COMMITTEE:**

**1. Request by Robbie & Ann Brunson, 1030 Cainhoy Road, Wando, TMS #263-00-01-010, (6.18 acres) from R-2, Mobile Home Residential District, to GC, General Commercial District. Council District No. 8.**

*This item held in Committee.*

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to adjourn the Committee on Land Use. The motion passed by unanimous voice vote of the Committee.

The meeting adjourned at 6:47 p.m.

September 15, 2003

Date Approved

**COMMITTEE ON PUBLIC WORKS AND PURCHASING**  
(Standing Committee of Berkeley County Council)

**Chairman:** Mr. Caldwell Pinckney, Jr., District No. 7

The COMMITTEE ON PUBLIC WORKS AND PURCHASING, Standing Committee of Berkeley County Council, met on Monday, August 18, 2003, in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, S. C., at 6:47 p.m.

PRESENT: Chairman, Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Mr. Milton Farley, Council Member District No. 1; Mrs. Judith K. Spooner, Council Member District No. 2; Mr. William E. Crosby, Council Member District No. 3; Mr. Charles E. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mrs. Judy C. Mims, Council Member District No. 6; Mr. Steve C. Davis, Councilmember District No. 8; Mr. James H. Rozier, Jr. Supervisor ex officio; Mr. D. Mark Stokes, County Attorney and Ms. Barbara B. Austin, Clerk of County Council.

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at the entrance of the County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina and the Berkeley County Library, and mailed to the newspaper, radio stations, television stations and concerned citizens.

Chairman Pinckney called the meeting to order.

**APPROVAL OF MINUTES:**

Chairman Pinckney asked for the approval of minutes from the Committee on Public Works and Purchasing meeting held on July 21, 2003.

It was moved by Councilmember Steve Davis and seconded by Councilmember Fish to approve the minutes as presented. The motion passed by unanimous voice vote of the Committee.

**A. Discussion of County performing work on private property.**

Chairman Pinckney explained that there had been discussion as to whether it is legal or Constitutional to have such work done on private property.

Councilmember Charles Davis stated he believed Council should get an opinion from the Attorney General before they move forward with any avenue they are going to take.

Mr. Rozier said there is no Attorney General's published opinion that says this action was unconstitutional or otherwise. He stated that he met with the Attorney General this past Monday morning and gave information as to what Berkeley County was

using to authorize themselves do this. He explained to the press that Council was never asked to make a decision in Executive Session. He asked for a legal opinion in Executive Session and made an Administrative Decision the next day, when no Councilmember objected to what he said he would do if there were no objection.

Mr. Rozier further stated there was an opinion from 1987 having to do with York County. The question was, could the County do the exact same work as Berkeley County was doing. York County passed an Ordinance to do that. The Attorney General's opinion was, "where County equipment is used for work on private property, private roads, or private driveways and the County is reimbursed in full for the cost; therefore, by in way of contract, violation of State Constitutional Prohibition of Public Resources on Private Property does not occur.

Councilmember Mims stated, "If the County is paid in full, that is where I am getting most of my calls?"

Councilmember Steve Davis, "That is the krucks of the matter right there. What makes it a little bit different, specifically York County, I read that opinion also, there was a policy that was on the record and you could put your hand on and look at the procedure and actually know specifically where the conditions were, that were set out. Also, the York County provision, it talks about Public Safety and well-being. That changes the flavor a little bit in reference to our situation here in Berkeley County where we didn't have a policy that was actually drafted and passed by County Council. When you make reference to York County, York County, in fact, had an Ordinance that had went through three (3) readings and had public input, tremendously different than what you have here. We didn't have public input, you didn't have three (3) readings. So, that in and of itself suggested a tremendous difference than what existed in Berkeley, and these of the what existed in York County."

Mr. Rozier went on to say on June 4, 1990, Attorney General Medlock said, "Public funds may not be expended for private purposes, only for public purposes. County Council may not enact an Ordinance, which expends funds primarily for a private purpose and may not provide for the scraping of private roads or driveways with public funds where such is primarily for private purpose."

Mr. Rozier, "I would submit to you that if it was not appropriate for me to make an Administrative decision in this case, then it was not appropriate for County Council to pass an Ordinance that allowed that."

Councilmember Steve Davis stated that was the whole point. "That's right you did not have the authority to do what you did."

Mr. Rozier, "If I didn't, nor did York."

Councilmember Steve Davis, "Yeah, but you start off the point as if York was going to give you the creditability and leverage for what you did. That is why you

alluded to York County for a basis then to say, hey this is what existed and this is what happened, this is what the Attorney General concluded in that particular case.”

Mr. Rozier, “Can I share another one with you? The question was in January 9, 1976, there was no Ordinance passed. The question was, was it legal for Pickens County to do work such as burying dead animals on private property and placing stone on private driveways when full payment for such services is made to the counties in advance of performance of work? There was no Ordinance passed by that County. The Attorney General’s opinion was where full payment of services is made in advance, county may perform work on private property. Full payment in advance renders the Constitutions prohibition against public resources on private property, inapplicable.”

Councilmember Steve Davis, “You know what the difference was in that case? It was Public Health and Safety. It makes a lot of sense, that if you have a lot of animals that need to be buried that we shouldn’t have a concern primarily to let a private interest override the welfare of the whole good. That is why in that particular situation you have the approval of that. It makes a lot of sense.”

Mr. Rozier, “And the placing of stone on private driveways. It doesn’t just say dead animals. It said the placing of stone on private driveways. Which in a fact is exactly what we were doing.”

Councilmember Steve Davis, “I can assure you that there was some body up under the stones, dead animals.”

Mr. Rozier, “Mr. Davis this is two different opinions. If you are going to read into this that they put dead animals under the stone of the driveway, sir, you are way off base.”

Councilmember Steve Davis, “Mr. Rozier you can’t just take the opinion and willy-nilly...”

Mr. Rozier, “Mr. Davis I am sharing Attorney General’s opinions with you.”

Councilmember Steve Davis, “I read the Attorney General’s opinions too, I am required to keep abreast of these issues. I have been practicing law for 23 years. I am very familiar with the Attorney General. I don’t get to often have lunch with the Attorney General and discuss issues.”

Mr. Rozier, “On August 10, 1977 the opinion was that a city may install and monitor alarm systems in private homes and business where service is available to all residence and for a fee. There was another one, 1978, ‘County or City may provide special additional police services for private business concerns, using equipment and personnel where a fee is charged to the private businesses.’ Here is an opinion from May 6, 2002, ‘No Constitutional or Statutory Prohibition against the governmental entity competing with private enterprise; it was determined that was okay. What I am saying to you is there was no published opinion saying you couldn’t do these things and a number of published opinions, which the Attorney General agrees with, by the way, that we have

ample reason to believe that we should do this. He says today, if he was asked for an opinion he would find that we shouldn't do what we did. That opinion today does not exist and did not exist when we made our decision to do this. I am not asking to do it again, because the present Attorney General says we shouldn't do it, but also he says that an Ordinance could not be passed to allow us to do it."

Councilmember Steve Davis, "Think if a situation and a person could go to the Supreme Court and say 'How are you going to rule on the issues before everything is actually presented to you.' That is unprecedented. For the Attorney General to even enitmate a position before he had all of the facts and circumstances to him is malfesis in some degree to me."

Mr. Rozier, "Boy do I agree with that!"

Councilmember Spooner asked if Berkeley County has no desire to do this anymore, why do we need the Attorney General's opinion?

Chairman Pinckney, "Let's look at the facts as they are. Berkeley County is the largest County in the State of South Carolina area wise. Therefore, we have more roads, unpaved dirt roads in Berkeley County, I would venture say than any other County in the State of South Carolina. Therefore, with the excessive amount of rain we have had this year, which means that we have a great drainage problem in Berkeley County. There is a need, when you take under consideration, the West Nile Virus. I read the other day where there is an increase in the State of South Carolina that indicates to me there is a need. Regardless to what the Attorney General's opinion may be, I am saying that we as a governing body, need to come up with some policy to address the needs of those folks who are in dire need to be able to access their homes in the event of an emergency. We can do that and in order to do that we are going to have to come together and look at this thing very objectively. I don't think this is one of those situations were we just need to kick it to the curb. There was a whole lot of hoopla about this situation, but a whole lot of people benefited from it. There are still a lot people that can benefit from it, and they don't have the funds to bring somebody in to do them some justice. I don't think we should just say well because I am on one side and you are on the other that we should just let this be. That is not why we are here. We are here to serve and represent the citizens of Berkeley County. I am saying there is a dire need to come up with some feasible means to do that."

Mr. Rozier, "It would have been real good before there was 30 pages in the newspaper, television and radio 30-40 times. It would have been real good if a lot of rederic hadn't taken place before we could sit down and have this discussion. I quote here from the Berkeley Herald of July 25, 2003, where Ms. Mims said, 'read the Home Rule book, it's against the law.' Ms. Mims I have the Home Rule book, would you show me where you read that in here?"

Councilmember Mims, "I haven't read it."

Mr. Rozier, "Oh, you haven't read it, but you were quoted as saying if you read the Home Rule book it is against the law. Why would you make statements like that to the newspaper if you haven't read it?"

Councilmember Mims, "I have read it."

Mr. Rozier, "Well, could you point it out to me?"

Councilmember Mims, "I don't know if it is in there or not."

Chairman Pinckney, "Mr. Rozier..."

Mr. Rozier, "Mr. Pinckney I am a little bit perturbed to be honest with you, now. I have been taken to task and I am sitting here pointing out to ya'll that there are Attorney General's opinions that allowed us to do what we did and there was no Attorney General's opinion that said we couldn't."

Councilmember Mims, "Well, the only way we can settle this is to ask the Attorney General and whoever else we need to, if this is right."

Councilmember Spooner, "If we are not going to do it then we don't need to ask."

Chairman Pinckney, "Let's do this in order, please. Because like I said our overall objective here is to see whether or not it is legal and constitutionally right to serve the citizens of Berkeley County in a viable manner. I think that's what we need to look at here. In this particular situation, let that water be under the bridge and let's go forth for the good of the people of Berkeley County."

Mr. Rozier, "Let's put the water under the bridge first; then answer some questions that I have. I will put the water under the bridge soon as it gets under there, but I have questions about why people said things they said without information they said they had. They said they read things... Mr. Davis has a letter of January, that responds to him on a request for private work on private property. Mr. Steve Davis, but yet he doesn't know anything about the program. This is confusing to me. I'm sorry."

Chairman Pinckney, "It's just our nature. Sometimes we say things that we shouldn't say and we do things that we shouldn't do. We all are guilty of that at some point in time, but the fact still remains as Elected Officials we are still saddled with the responsibility to do what's best for those folks that elected us. I am saying there is still a need when it comes to an issue of County performing work on private property. I don't know what the Attorney General is going to say, but if he doesn't come in favor it, we need to challenge him I believe. That's just my opinion."

Councilmember Steve Davis, "So, you support Mr. Charlie Davis' and my motion to have the Attorney General review the policy and see whether the County received full compensation in reference to those jobs that were done?"



Chairman Pinckney, "I am willing to carry it as a motion if I get a second and vote on it."

It was moved by Councilmember Charles Davis and seconded by Councilmember Steve Davis to request an opinion from the Attorney General as to the constitutionality of the County's former policy to perform work on private property where the County is paid in full for work performed.

**Role Call Vote:**

Councilmember Farley	"Nay"
Councilmember Spooner	"Nay"
Councilmember Crosby	"Abstain"
Councilmember Fish	"Abstain"
Councilmember Mims	"Aye"
Councilmember Steve Davis	"Aye"
Councilmember Charles Davis	"Aye"
Councilmember Pinckney	Chairman

The motion passed with three (3) "Aye", two (2) "Abstain" and two (2) "Nay" votes.

Councilmember Fish, "Clarification Mr. Chairman, with this opinion that you are looking for, then you are saying that you are proposing to go ahead and continue to work on private property for compensation?"

Chairman Pinckney, "No, that is not what I am saying at all. I'm saying I don't know what the opinion is going to be, but it is one that we can actually challenge to provide a much needed service to the citizen's of Berkeley County."

Mr. Rozier, "What is the question?"

Chairman Pinckney, "The question is can we continue to provide these services to the people of Berkeley County. That's where I stand on the issue."

Councilmember Fish, "Like Ms. Spooner said, if we are not going to go ahead with it then why are we doing it? Number two, if we are asking that opinion I am under the assumption that you are saying if says we can do that, we will continue to do work. Then if they say no then are you suggesting that we challenge that in court?"

Chairman Pinckney, "That is what I am saying, but that's my personal opinion, just like everyone else over here has an opinion as to whether we should or we shouldn't. Yeah, that is what I am saying, because as Mr. Rozier has pointed out there are some policies already in place that allows Counties to work on private property in certain circumstances. Williamsburg County, York County, Beaufort County and the list goes on. So why is Berkeley County any different when there is a need?"

Councilmember Crosby, "I sit here and listen to that, it is becoming very childish up here, I tell you. My opinion is that its stopped and it should be stopped. I don't think we should go any further, we shouldn't have gone along with it, but we better be careful if we come up here and try to pass policy because what is going to happen when there are emergency needs where County has to respond. There are things in the minutes from the past that Councilmembers and ex-Supervisors have brought to my attention has happened. One being the dam in 1983-84 when the County had to go in and repair the dam of Santee Cooper, they were paid by Santee Cooper. There are airplanes that go down and land on private property and under emergency you have to go in and get the people. There is a County that has been a rural county for years and years, and I dare to say, and I don't know this, that there are roads out there that private that have been scraped over and over the years, in the past. There are probably roads out there that before I came on Council, have been rocked. There are numerous occasions that things happen, and if we come up here and wholesale make a policy that under emergency needs that the Supervisor can not make these decisions until he can get us back together to get a full vote on it. I am not sure exactly how that is going to play out for the people of Berkeley County."

Chairman Pinckney, "At this point, I am not saying that. I don't know why you drew that conclusion, but that is not what I am saying. What I am saying is, once we get the opinion, lets sit down and see whether or not we can come up with a viable solutions to provide these much needed services in those particular situations."

Mr. Rozier, "I think you are going to have to propose to the Attorney General what you want to do for him to give you an opinion."

Councilmember Crosby, "Mr. Chairman, what I was trying to say to you is that we are going to have to be careful on what we try to pass here as a Council because we might get ourselves in a position where we cannot function correctly without having an opinion or whatever for it or get a full vote of Council or right on down the line. You have to be careful when you start making policy, you better be careful on how you make that policy."

Chairman Pinckney, "I agree with you whole heartedly, and we are not making policy here tonight. We are just discussing the possibilities and what avenues we may need to go down to make this a viable service for the needy citizens of Berkeley County. I think as an elected official, that's our responsibility. I sincerely believe that and if I am wrong tell me."

Councilmember Crosby, "I just don't think we should go on private land unless we have a need to do that. Let me back up, because it sounds like I am talking out of both sides of my mouth here. There are conditions at the present time within the Tri-County area. We now have a permitting and engineering department that approves subdivision drainage and roads. There is a Codes department that goes out and investigates those roads and drainage ditches after they have been approved. If we sign off on that and something comes up that somebody's yards flooded because of one of the roads or ditches that we have signed off on then we have to go back and we are liable,

maybe you can get the opinion of the County Attorney, we are liable to go back in there and fix that on private property.”

Chairman Pinckney, “Mr. Crosby, in all due respect, that is your opinion on that particular situation. I don’t agree with you. Like my opinion on what needs to be done in the County to assist those that are in dire need. You don’t agree with me on that, but that is why we need to actually look at it collectively and see if there is a viable solution to this particular situation. If there is not then lets put this sleeping dog to rest. That is all I am saying. I think that is the most rational thing to do.”

Mr. Rozier, “I am a little confused, if you vote to direct someone to send a question to the Attorney General. Who are you directing to send that question and what are you asking in the question? You have to state the details of your question, what you expect and what you plan to do and it has to be detailed in order to get an opinion.”

Chairman Pinckney, “I don’t know if I am speaking for the entire Council, but we have got two County Attorney’s, an Attorney on County Council and a Supervisor. Why can’t ya’ll get together.”

Mr. Rozier, “I don’t know what question is you want us to ask? Mr. Attorney, do you know what question we are suppose to ask?”

Mr. D. Mark Stokes, County Attorney, “All I can do is base that upon the motion, it is my understanding that the motion was to ask for an opinion on the policy that was in effect at the time.”

Councilmember Steve Davis, “That is correct.”

Mr. Rozier, “The policy that I was following?”

Mr. Stokes, “Yes sir.”

Mr. Rozier, “And you are directing the Attorney to ask the question as to whether I was right or wrong?”

Councilmember Steve Davis, “It is not a matter of whether you were right or wrong it is a matter of what the Attorney General says.”

Chairman Pinckney, “My way of thinking about that, is there any way that we can actually legally and constitutionally continue to provide these services. Now maybe I’ve got the bull by the tail here.”

Mr. Rozier, “If you are going to ask the Attorney General whether I was right or wrong or not, I can tell you what he is going to tell you, because I met with him on Monday. He is going to tell you that I was following Attorney Generals’ opinions that had been published. There was not opinion that says that you couldn’t do it, but if he issues an opinion to a question in the future as to whether you can do that or not, he is going to say that he thinks it will be unconstitutional, that’s what he said. Now, is he

going to tell you that I was wrong in what I did? In his opinion it would be wrong, but there was no opinion at the time for me to follow. I was following issued, published opinions that said it was okay. Now, he said that his opinion would be that you would not be allowed to do this in the future.”

Councilmember Steve Davis, “I have a point of order. It has properly been moved and properly seconded and properly voted on, so that issue has been addressed in reference to whether we are going to send it and ask the Attorney General for an opinion. Am I wrong County Attorney?”

Mr. Rozier, “Okay, the Chairman of this Committee, I suppose is going to send the question.”

Councilmember Steve Davis, “I think the County Attorney has already told us what the question is going to be.”

Mr. Rozier, “I don’t think that is the question you are looking for.”

Councilmember Steve Davis, “Jim, it is not about what you think we are looking for, it is the Council.”

Mr. Rozier, “I said I am not sure what this Committee is looking for, but if that is what you are looking for then we will ask that question.”

Councilmember Fish, “Mr. Chairman, what we are looking for is where do we go in the future not the past.”

Councilmember Steve Davis, “I think what Mr. Pinckney is saying is that you can get a lot of directive sometime in the Attorney General’s Opinion.”

Councilmember Mims, “The only thing I want to know, was the County fully reimbursed for the cost of these projects?”

Mr. Rozier, “Is that what you want to know from the Attorney General?”

Councilmember Mims, “No, but somebody needs to...”

Mr. Rozier, “As far as we are concerned we were fully reimbursed, yes ma’am. My engineering staff and my entire staff feels we were fully reimbursed. Now there are people out there that think we weren’t. There are differences of opinions on everything. The folks on my staff that gave the estimates gave estimates they thought were proper estimates. If you have a disagreement with that, fine. The people paid exactly what they were asked to pay.”

Councilmember Mims, “Did they pay for labor cost too?”

Mr. Rozier, “They paid what we asked them to pay and we think we asked them for the right amount.”

Councilmember Farley asked if he could get a copy of all the projects that took place?

Mr. Rozier indicated that he could.

**B. Frank Carson, County Engineering and Public Works Directors, Re:**

**1. Yeshoe Plantation.**

Mr. Carson addressed the Committee stating that Yeshoe Plantation subdivision is in the City of Hanahan so is not covered under the County's subdivision regulations; however, Berkeley County does maintain the drainage systems and road projects and review the plans, and does the inspection projects for the City of Hanahan. This project has been given preliminary approval by the city. Engineering had a set of drawings to review and there were several items which were in conflict with Berkeley County's standards and it was suggested to the developer that he come to County Council to get approval of a variance for certain items. In Mr. Carson's letter to Mr. G. Robert George were specified the clearing of rights of ways and easements. Berkeley County requires that all trees and vegetation be cleared from the rights of ways and easements. Also, they require there be a six (6) foot shoulder on the side of the road.

Mr. Troy Long, G. Robert George and Associates, addressed the Committee indicating they were trying to preserve a number of trees in the right of way. Many are large oaks and gum trees and they feel it will preserve the look of the subdivision. There are plans to keep forty (40) trees; five (5) of which will be in islands in the center of a road. The Property Owners Association (POA) will maintain the trees.

Chairman Pinckney asked if there would be any immediate liability to the County if it were decided to maintain the trees?

Mr. Carson indicated there is potential damage to the pavement and the drainage system. Some of the request by the County would be: 1) No trees would be allowed within five (5) feet of the back of the curb; 2) the roots would be pruned by a certified arborist, two (2) feet from the back of curb and a root barrier be installed; 3) the limbs would be pruned the sixteen (16) feet; 4) the medians would be fifteen (15) feet wide. If the trees ever present a hazard then the County will take them out. Due to the proximity to the wetlands to developer is using bio-retention swells instead of pipe drainage or drainage ditches. This will allow water to lay in swells between properties. Swells are not maintained by Berkeley County. Mr. Carson asked that if the variance is approved that it be done with the mentioned conditions and any conditions referenced in Mr. George's letter.

It was moved by Councilmember Farley and seconded by Councilmember Crosby to approve the variance with conditions for Yeshoe Plantation. The motion passed by majority voice vote of the Committee, with Councilmember Steve Dave voting "Nay" and Councilmember Spooner voting to "Abstain."

**C. Cheryl Lyons, Berkeley County Water and Sanitation Authority Purchasing Director, Re: Bids and Recommendations for the following:**

*1. Strawberry Renovation Project.*

Ms. Lyons explained that bids were taken on August 7, 2003 for the Strawberry area water and sewer renovations. Only one bid was submitted by Eadies Construction in the amount of \$339,637. This will be to clean up the existing project.

Councilmember Crosby asked if the other contractor would reimburse BCW&SA?

Mr. Lee Moulder, BCW&SA Finance Director, stated there would be a bond claim against the original contractor.

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to award the Contract for the **Strawberry Renovation Project to Eadies Construction in the amount of \$339,637.** The motion passed by majority voice vote of the Committee, with Councilmember Charles Davis voting to “Abstain.”

*1. 2003-2004 sewer System Evaluation Survey Engineering contract.*

Ms. Lyons indicated that several proposals were taken from engineering firms. BCW&SA engineering department reviewed the proposals and the recommendation is that the contract be awarded to Engineering Resources Corporation (ERC) in an amount not to exceed \$400,000.

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to award the **System Evaluation Survey Engineering Contract to Engineering Resources Corp. (ERC) in an amount not to exceed \$400,000.** The motion passed by unanimous voice vote of the Committee.

*2. Vehicle Tracking System*

Ms. Lyons stated bids were taken on July 29, 2003 for a vehicle tracking system. There was only one response. The recommendation was to award the contract to Advance Tracking Technologies, Inc. in the amount of \$64,800.

It was moved by Councilmember Mims and seconded by Councilmember Crosby to award the **vehicle tracking system to Advance Tracking Technologies, Inc. in the amount of \$64,800.**

Mr. Moulder explained that over the past several years there have been numerous accidents and this will allow BCW&SA to know where the accidents took place. It can be tracked how fast the vehicles are traveling and whether the vehicles are at correct jobs sites. There will be 60-70 vehicles tracked. There is a maintenance fee of approximately \$1000 per year.

Councilmember Fish indicated he felt this was the Supervisors responsibility.

Chairman Pinckney asked if there was another County that had a vehicle tracking system?

Mr. Stokes stated that York County had a GPS tracking system on all County vehicles and it is reported to be very beneficial.

The motion passed by majority voice vote of the Committee, with Councilmember Fish voting "Nay."

**D. Mr. Lee Moulder, CPA, Deputy Director of Administration, Berkeley County Water and Sanitation Authority, Re: Banking Services Bids and Recommendations.**

Mr. Moulder stated that on November 18, 2002 a proposal was submitted to all the local area banks to handle all of BCW&SA banking services. In the 2001 audit the auditor recommended that BCW&SA roll their funds into one bank. Invest them in larger amounts to get better returns. There were five (5) responses: National Bank of South Carolina, BB&T, Bank of America, Wachovia and First Citizens. The recommendation was for National Bank of South Carolina, the estimated net cost would be less.

It was moved by Councilmember Spooner and seconded by Councilmember Fish to award the **BCW&SA Banking Services bid to National Bank of South Carolina.** The motion passed by unanimous voice vote of the Committee.

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to adjourn the Committee on Public Works and Purchasing. The motion passed by unanimous voice vote of the Committee.

The meeting was adjourned at 7:50 p.m.

September 15, 2003  
Date Approved

**COMMITTEE ON FINANCE**  
(Standing Committee of Berkeley County Council)

**Chairman:** Mr. Dennis L. Fish, District No. 5

The COMMITTEE ON FINANCE met on Monday, August 18, 2003, Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 8:02 p.m.

PRESENT: Mr. Dennis L. Fish, Councilmember District No. 5, Chairman; Mr. Milton Farley, Councilmember District No. 1; Mrs. Judith K. Spooner, Councilmember District No. 2; Mr. William E. Crosby, Councilmember District No. 3; Mr. Charles E. Davis, Councilmember District No. 4; Mrs. Judy C. Mims, Councilmember District No. 6; Mr. Caldwell Pinckney, Jr., Councilmember District No. 7; Mr. James H. Rozier, Jr., Supervisor, ex officio; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara Austin, Clerk to County Council. Mr. Steve C. Davis, Councilmember District No. 8 left at 7:40 p.m.

The requirements of the Freedom of Information Act have been complied with by posting the time, date, place and agenda of this meeting of Berkeley County Council at the entrance to the Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, and a copy of such notice was mailed to all Councilmembers, the media, organizations and all interested citizens.

Chairman Fish called the meeting to order.

**APPROVAL OF MINUTES:**

Chairman Fish asked for approval of minutes from the Committee on Finance meeting held on July 21, 2003.

It was moved by Councilmember Pinckney and seconded by Councilmember Crosby to approve the minutes as presented. The motion passed by unanimous voice vote of the Committee.

**A. Ms. Janet Brown Jurosko, Berkeley County Auditor, Re:** Transfer of funds within department.

Ms. Jurosko addressed the Committee stating she would like to read the following letter into the record.



*August 13, 2002*

*The Honorable Dennis Fish  
703 North Main Street  
Summerville, SC 29483*

*Dear Dennis:*

*I respectfully request your consideration for approval of my request to transfer \$3,864.18 from 47101 Contingency to 41506-5106 Student Intern.*

*We continue to have problems with our monthly vehicle renewal tapes that we receive from the DMV. Some of the information is incorrect and some of the information is left off completely. This causes a sharp increase in our telephone calls, our mail and our faxes, as ell the taxpayers who come into the office. As changes have to be made to correct these mistakes, a large quantity of filing results.*

*Tax season is always an extremely busy time for us. We are constantly making changes and corrections, as well as additions due to taxpayers' requests to the tax bills. This too creates an extremely large amount of filing.*

*As always, I appreciate your help and your willingness to work with the citizens of this county.*

*Sincerely,*

*Janet Brown Jurosko  
Berkeley County Auditor*

Ms. Jurosko indicated that the DMV has invited the Auditors in the State to form a Committee. They have been working with the DMV for the past nine (9) months to help them with the mistakes made in their computer program.

Councilmember Crosby asked if the students were not covered in the budget?

Ms. Jurosko explained that she had some monies to cover those positions, but she was asking for the additional money. She explained that she gave up her temporary employee to have additional students.

Mr. Rozier stated that he did cut a lot of student intern money; a total of \$53,319. The reason was because he thought it better to cut student funds then to eliminate full time positions to balance the budget. This allowed for two (2) full time positions to be saved in the budget. He asked if any of the requested money was in the budget?

Ms. Jurosko stated this was additional money and it would take her through June 2004. It includes seventeen (17) weeks after school, the two (2) weeks at Christmas and two (2) weeks at Spring and the entire month of June 2004.

It was moved by Councilmember Mims and seconded by Councilmember Crosby to approve **additional funds for Student Interns in the Auditors office in the amount**

of \$3864.18 to come from Contingency. The motion passed by unanimous voice vote of the Committee.

**B. Consideration** prior to **First Reading** of an **Ordinance** granting a franchise for the construction, acquisition, operation, and maintenance of a cable television system within the specific unincorporated areas of the County of Berkeley to **Berkeley Cable Television, Inc.** and to repeal Ordinance Number 95-10-37 in its entirety.

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to send the request forward for **First Reading**.

Councilmember Pinckney asked for explanation.

Chairman Fish explained that Berkeley Cable Television was seeking to expand their service area. A map depicting the area was attached to the agenda. No one else is asking for the area.

The motion passed by unanimous voice vote of the Committee.

**C. Review** prior to **Second Reading** of **Bill No. 03-48**, an Ordinance authorizing the execution and delivery of a Fee-In-Lieu of Tax agreement and certain instruments relating thereto by and between Berkeley County and **Marine Barge Company, LLC** whereby, Berkeley County will enter into a Fee-In-Lieu of taxes arrangement with Marine Barge Company, LLC; providing for payment by Marine Barge Company, LLC of certain fees in lieu of Ad Valorem Taxes; and other matters relating thereto.

It was moved by Councilmember Pinckney and seconded by Councilmember Crosby to send **Bill No. 03-48** forward for **Second Reading**. The motion passed by unanimous voice vote of the Committee.

**D. Review** prior to **Third Reading** of the following:

**1. Bill No. 03-42**, An Ordinance for the purpose of establishing the **Berkeley Technology Development Corporation**, stating its purposes and appointing the members to the Board of Directors of the Berkeley Technology Development Corporation.

It was moved by Councilmember Pinckney and seconded by Councilmember Crosby to send **Bill No. 03-42** forward for **Third Reading**. The motion passed by unanimous voice vote of the Committee.

**2. Bill No. 03-46**, an **Ordinance** approving the acceptance of a medium of payment for property taxes and the imposition of a uniform service charge as a condition thereof pursuant to South Carolina Code of Laws Section 12-45-90.

It was moved by Councilmember Crosby and seconded by Councilmember Pinckney to send **Bill No. 03-46** forward for **Third Reading**. The motion passed by unanimous voice vote of the Committee.

**3. Bill No. 03-47**, an **Ordinance** to amend Ordinance Number 03-06-35, Sangaree Special Tax District Operational Budget, 2003-2004, and to reduce the millage assessed in the tax district.

Mr. Chuck Cheers, Sangaree Special Tax District Manager explained that the proposed amended budget was presented last week, which included removing the fire protection line item and reducing the budget. Mr. Cheers gave the committee a chart showing the changes. [A *copy* of the budget *is attached hereto and by this reference is made a part hereof*] The deletion of the Fire Protection line item allowed for a millage decrease, thus requiring less money from the fund balance to balance the budget.

It was moved by Councilmember Crosby and seconded by Councilmember Charles Davis to send **Bill No. 03-47** forward for **Third Reading**. The motion passed by unanimous voice vote of the Committee.

**ADDENDUM:**

**E. REPORTS FROM STANDING COMMITTEES:**

**1. COMMITTEE ON JUSTICE AND PUBLIC SAFETY**,  
Councilmember Judy Mims, Chairman.  
**MIS DEPARTMENT** – Additional Funds.

Councilmember Mims reported the Committee met on August 11, 2003.

Councilmember Mims moved upon recommendation of the Committee to transfer **\$15,178 from Contingency to the MIS Department** for the purchase of software to implement the payment of property taxes via the Internet. **NO SECOND REQUIRED**. The motion passed by unanimous voice vote of the Committee.

**2. COMMITTEE ON LAND USE**, Councilmember Milton Farley,  
Chairman.  
**ROD** – Additional Funds.

Councilmember Farley reported the Committee met earlier tonight.

Councilmember Farley moved on recommendation of the Committee to transfer **\$4,236.78 from Contingency to the ROD for system upgrade**. **NO SECOND REQUIRED**. The motion passed by unanimous voice vote of the Committee.

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to adjourn the Committee on Finance. The motion passed by unanimous voice vote of the Committee.

The meeting was adjourned at 8:25 p.m.

September 15, 2003

Date Approved